

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOMUS BWW FUNDING, LLC, et al.,

Plaintiffs,

v.

ARCH INSURANCE COMPANY, et al.,

Defendants.

Case No. 2:23-cv-00094-JDW

ORDER

AND NOW, this 12th day of August, 2024, upon consideration of Plaintiffs 1801 Admin, LLC and Domus BWW Funding, LLC's Motion For Monetary Sanctions And Adverse Inferences Against Defendant Arch Insurance Company (ECF No. 104), following a hearing in open court and for the reasons given in the accompanying Memorandum, it is **ORDERED** that the Plaintiffs' Motion is **GRANTED IN PART** and **DENIED IN PART** as follows.

1. The Motion is **GRANTED** with respect to sanctions for Arch's destruction of Mr. McGowan's email records, and Arch is **SANCTIONED**. The Plaintiffs may introduce evidence of Arch's failure to preserve Mr. McGowan's emails, and I will craft appropriate jury instructions at the time of trial to ensure that this sanction does not collapse into the adverse inferences available only under Rule 37(e)(2).

2. The Motion is **DENIED** in all other respects.

It is **FURTHER ORDERED** that the Parties shall meet and confer about what additional discovery Plaintiffs propose to take in light of Arch's recent production of Lynne Miller's hard copy documents and, on or before August 23, 2024, submit either an agreed upon proposal or a joint letter not to exceed four single-spaced pages setting forth each side's position.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.